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C O N F I D E N T I A L SECTION 01 OF 03 KUWAIT 001489

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FOR NEA/ARP, INL/HSTC AND G/TIP

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TAGS: PGOV PREL ELAB PHUM KU TIP

SUBJECT: KUWAIT'S DOMESTIC WORKER SHELTER OPERATIONAL; GOK
OFFICIALS PLEDGE MORE PROGRESS IN THE NEAR FUTURE

REF: A. KUWAIT 1421

1B. KUWAIT 1070

Classified By: Charge d'Affaires Alan Misenheimer for reasons 1.4 (b) a
nd (d)

11. (C) Summary: Ambassador Mark Lagon, Director of the Office to Monitor and Combat Trafficking in Persons (TIP), visited Kuwait on September 26 to review Kuwait's progress on its 60-day action plan and to engage high-level GOK officials on combating TIP. The highlight of the trip was a tour of the Ministry of Social Affairs and Labor's newly-opened shelter for domestic workers. Though some concerns remain, the shelter is staffed to provide basic medical, social and legal services, and several domestic workers had already been referred to the shelter by their embassies. Ambassador Lagon met separately with the Ministers of Interior, Justice, and Social Affairs and Labor, and participated in a press conference highlighting the opening of the shelter. GOK representatives covered the main areas of G/TIP's anti-trafficking action plan for Kuwait and made pledges to further improve the effort to combat TIP in four main ways: pass the recently-drafted anti-TIP law; provide evidence of increased prosecutions and punishments of traffickers; train law enforcement officers, prosecutors, and judges to identify TIP victims and prosecute traffickers; and improve the still rudimentary shelter. Officials also provided an update on the government's domestic worker awareness-raising program. End Summary.

Shelter Up and Running

12. (SBU) Ambassador Mark Lagon, Director of the Office to Monitor and Combat Trafficking in Persons (TIP), visited Kuwait on September 26 to review Kuwait's progress on G/TIP's anti-trafficking action plan for Kuwait and to engage high-level GOK officials on combating TIP. The highlight of the trip was a tour of Kuwait's new shelter for domestic workers, which the Ministry of Social Affairs and Labor (MOSAL) opened just a few days before Ambassador Lagon's arrival (ref A). A small team of medical professionals, social workers, psychological counselors, and security guards were in place to offer assistance to the dozen or so domestic workers staying at the facility. Jamal Al-Dossary, Undersecretary for Legal Affairs at the Ministry of Social Affairs and Labor (MOSAL), led the tour and assured Ambassador Lagon that domestic workers were free to come and go as they pleased. He said the workers could stay as long as they needed to, though the GOK would aim to process their cases as quickly as possible. He presented a copy of the shelter's by-laws, which laid out shelter-seekers' rights and responsibilities. Though commending the GOK on its flurry of activity to open the shelter in time for his visit, Ambassador Lagon expressed his hope that the GOK continues to work out unresolved issues in the shelter's management, such

as the protection of bona fide TIP victims from subsequent criminal detention resulting from counter-suits filed by their sponsors. He also underscored the need to widely publicize the shelter, train police officers on referring victims to the facility, and refrain from pushing victims to leave the country quickly. GOK officials allowed the USG delegation to speak with several of the domestic workers privately. The workers described physical abuse and lack of payment at the hands of their employers, and expressed their wish to return to their home countries rather than pursue legal proceedings against their employers.

¶13. (SBU) MOSAL Minister Shaykh Sabah Al-Khalid Al Sabah said that the shelter would replace shelters run by source country embassies and would solve many of the problems related to domestic workers and trafficking, including victim identification. He said that he had a 2 million dollar check in his pocket for this year's shelter budget, and that the GOK would expand the shelter to a capacity of 700 within several months providing a full range of social, medical, and legal services for domestic workers. He also noted that MOSAL had consulted with the International Labor Organization (ILO) to ensure compliance with international norms and that MOSAL was working in conjunction with several Kuwaiti NGOs.

¶14. (SBU) The press covered Ambassador Lagon's visit to the shelter extensively. At least a dozen photographers captured his arrival at the shelter. After the tour, Ambassador Lagon and Al-Dossary gave a press conference where approximately 25 journalists from Kuwaiti print and television outlets asked questions about the Ambassador's view of the shelter and what other steps Kuwait would need to take in order to address its trafficking problem. The major Kuwaitis gave the visit prominent coverage. In subsequent days a number of

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columnists have written about the shelter, mostly in positive terms. Kuwaiti journalists have resisted the urge to write sensationalist articles accusing the U.S. of heavy-handed meddling in internal Kuwaiti affairs.

Anti-TIP Law Ready

¶15. (C) Dr. Abdullah Al-Ma'touq, Minister of Justice and Minister of Awqaf and Islamic Affairs, pointed out to Ambassador Lagon that the Justice Ministry has sent a draft anti-TIP law to the Cabinet (ref B). Once it gets cabinet approval, it can be sent to Parliament for a vote. The Minister did not have a prediction as to how long parliamentary approval might take. Al-Ma'touq noted that recent GCC Justice Minister summits had addressed the trafficking issue, which has contributed to progress on anti-TIP legislation. He noted that trafficking would be an important topic of discussion at the October 23 summit in Saudi Arabia.

¶16. (SBU) MOSAL Minister Shaykh Sabah Al-Khalid also noted that a new labor law was almost ready to be presented to parliament. He did not consider it likely that domestic workers would be covered in the new law, pointing out that the standardized domestic laborer contract laid out workers' rights. However, he did say the GOK was seriously looking into the issue of alternatives to the sponsorship system. (Note: The ILO undertook a study of the sponsorship system in February and presented its plan to the GOK. The ILO representative met with Post as part of the study and provided a copy of the study in March. End Note.)

GOK Will Provide More Evidence of Prosecution Efforts

¶17. (SBU) Assistant Public Prosecutor Mohammad Al-Zo'by, in his role as Chairman of the Committee to Study International Human Rights Reports, provided updated statistics on various TIP-related criminal prosecutions. As with previous

statistics, they provided inconclusive evidence as to whether traffickers are being punished. However, Al-Zo'by said his office planned to provide more detailed information on criminal prosecutions so that it would be easier to discern in the 2008 report whether Kuwait is making sufficient efforts to prosecute traffickers.

Training Law Enforcement Officials

¶8. (SBU) Ambassador Lagon stressed in all of his meetings the importance of training law enforcement officials in victim identification and in the investigation of TIP crimes. Justice Minister Al-Ma'touq welcomed the idea, noting that he had increased the Ministry's training budget ten-fold, and that he had instituted mandatory training for judges, including some training abroad. Interior Minister Shaykh Jaber Al-Mubarak Al Sabah called training to differentiate victims from criminals an "idea worth considering." Al-Zo'by also expressed his enthusiasm for more training, and said the GOK was willing to send appropriate officials to regional or international training.

Awareness Raising

¶9. (C) Dr. Adel Al-Falah, the Ministry of Awqaf Undersecretary, briefed Ambassador Lagon on Barirah, Kuwait's domestic worker awareness program. He said that the program was based on field studies designed to discover the source of problems related to domestic workers, and that the project would undertake a media campaign and reach out to schools to encourage the humane treatment of domestic workers. Al-Falah also noted that the GOK may create a new government institution to attend to the affairs of domestic workers.

(Note: the MOI already has a small department that deals with domestic workers. Al-Falah suggested something bigger. This is the first time Post has heard of such a plan. End Note.)

Barirah project director Saad Al-Hajji told PolOff separately that the GOK had made progress on a training/orientation center for domestic workers. According to Al-Hajji, all domestic workers arriving in Kuwait would have to attend courses to learn about Kuwaiti customs and about their rights and responsibilities under Kuwaiti law.

¶10. (U) Ambassador Lagon has cleared this message.

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